

109TH CONGRESS  
1ST SESSION

# S. 204

To establish the Atchafalaya National Heritage Area in the State of  
Louisiana.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2005

Ms. LANDRIEU (for herself and Mr. VITTER) introduced the following bill;  
which was read twice and referred to the Committee on Energy and Nat-  
ural Resources

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## A BILL

To establish the Atchafalaya National Heritage Area in the  
State of Louisiana.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Atchafalaya National  
5       Heritage Area Act”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

8               (1) **HERITAGE AREA.**—The term “Heritage  
9       Area” means the Atchafalaya National Heritage  
10       Area established by section 3(a).

1           (2) LOCAL COORDINATING ENTITY.—The term  
2           “local coordinating entity” means the local coordi-  
3           nating entity for the Heritage Area designated by  
4           section 3(c).

5           (3) MANAGEMENT PLAN.—The term “manage-  
6           ment plan” means the management plan for the  
7           Heritage Area developed under section 5.

8           (4) SECRETARY.—The term “Secretary” means  
9           the Secretary of the Interior.

10          (5) STATE.—The term “State” means the State  
11          of Louisiana.

12 **SEC. 3. ATCHAFALAYA NATIONAL HERITAGE AREA.**

13          (a) ESTABLISHMENT.—There is established in the  
14          State the Atchafalaya National Heritage Area.

15          (b) BOUNDARIES.—The Heritage Area shall consist  
16          of the whole of the following parishes in the State: St.  
17          Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe  
18          Coupee, Iberville, Assumption, Terrebonne, Lafayette,  
19          West Baton Rouge, Concordia, and East Baton Rouge.

20          (c) LOCAL COORDINATING ENTITY.—

21               (1) IN GENERAL.—The Atchafalaya Trace  
22          Commission shall be the local coordinating entity for  
23          the Heritage Area.

24               (2) COMPOSITION.—The local coordinating enti-  
25          ty shall be composed of 13 members appointed by

1 the governing authority of each parish within the  
 2 Heritage Area.

3 **SEC. 4. AUTHORITIES AND DUTIES OF THE LOCAL COORDI-**  
 4 **NATING ENTITY.**

5 (a) **AUTHORITIES.**—For the purposes of developing  
 6 and implementing the management plan and otherwise  
 7 carrying out this Act, the local coordinating entity may—

8 (1) make grants to, and enter into cooperative  
 9 agreements with, the State, units of local govern-  
 10 ment, and private organizations;

11 (2) hire and compensate staff; and

12 (3) enter into contracts for goods and services.

13 (b) **DUTIES.**—The local coordinating entity shall—

14 (1) submit to the Secretary for approval a man-  
 15 agement plan;

16 (2) implement the management plan, including  
 17 providing assistance to units of government and oth-  
 18 ers in—

19 (A) carrying out programs that recognize  
 20 important resource values within the Heritage  
 21 Area;

22 (B) encouraging sustainable economic de-  
 23 velopment within the Heritage Area;

24 (C) establishing and maintaining interpre-  
 25 tive sites within the Heritage Area; and

1 (D) increasing public awareness of, and  
 2 appreciation for the natural, historic, and cul-  
 3 tural resources of, the Heritage Area;

4 (3) adopt bylaws governing the conduct of the  
 5 local coordinating entity; and

6 (4) for any year for which Federal funds are re-  
 7 ceived under this Act, submit to the Secretary a re-  
 8 port that describes, for the year—

9 (A) the accomplishments of the local co-  
 10 ordinating entity; and

11 (B) the expenses and income of the local  
 12 coordinating entity.

13 (c) ACQUISITION OF REAL PROPERTY.—The local co-  
 14 ordinating entity shall not use Federal funds received  
 15 under this Act to acquire real property or an interest in  
 16 real property.

17 (d) PUBLIC MEETINGS.—The local coordinating enti-  
 18 ty shall conduct public meetings at least quarterly.

19 **SEC. 5. MANAGEMENT PLAN.**

20 (a) IN GENERAL.—The local coordinating entity shall  
 21 develop a management plan for the Heritage Area that  
 22 incorporates an integrated and cooperative approach to  
 23 protect, interpret, and enhance the natural, scenic, cul-  
 24 tural, historic, and recreational resources of the Heritage  
 25 Area.

1 (b) CONSIDERATION OF OTHER PLANS AND AC-  
2 TIONS.—In developing the management plan, the local co-  
3 ordinating entity shall—

4 (1) take into consideration State and local  
5 plans; and

6 (2) invite the participation of residents, public  
7 agencies, and private organizations in the Heritage  
8 Area.

9 (c) CONTENTS.—The management plan shall in-  
10 clude—

11 (1) an inventory of the resources in the Herit-  
12 age Area, including—

13 (A) a list of property in the Heritage Area  
14 that—

15 (i) relates to the purposes of the Her-  
16 itage Area; and

17 (ii) should be preserved, restored,  
18 managed, or maintained because of the sig-  
19 nificance of the property; and

20 (B) an assessment of cultural landscapes  
21 within the Heritage Area;

22 (2) provisions for the protection, interpretation,  
23 and enjoyment of the resources of the Heritage Area  
24 consistent with this Act;

1           (3) an interpretation plan for the Heritage  
2 Area; and

3           (4) a program for implementation of the man-  
4 agement plan that includes—

5               (A) actions to be carried out by units of  
6 government, private organizations, and public-  
7 private partnerships to protect the resources of  
8 the Heritage Area; and

9               (B) the identification of existing and po-  
10 tential sources of funding for implementing the  
11 plan.

12       (d) SUBMISSION TO SECRETARY FOR APPROVAL.—

13           (1) IN GENERAL.—Not later than 3 years after  
14 the date of enactment of this Act, the local coordi-  
15 nating entity shall submit the management plan to  
16 the Secretary for approval.

17           (2) EFFECT OF FAILURE TO SUBMIT.—If a  
18 management plan is not submitted to the Secretary  
19 by the date specified in paragraph (1), the Secretary  
20 shall not provide any additional funding under this  
21 Act until a management plan for the Heritage Area  
22 is submitted to the Secretary.

23       (e) APPROVAL.—

24           (1) IN GENERAL.—Not later than 90 days after  
25 receiving the management plan submitted under

subsection (d)(1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the local coordinating entity to submit to the Secretary revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(f) REVISION.—

(1) IN GENERAL.—After approval by the Secretary of a management plan, the local coordinating entity shall periodically—

(A) review the management plan; and

1 (B) submit to the Secretary, for review  
 2 and approval by the Secretary, the rec-  
 3 ommendations of the local coordinating entity  
 4 for any revisions to the management plan that  
 5 the local coordinating entity considers to be ap-  
 6 propriate.

7 (2) EXPENDITURE OF FUNDS.—No funds made  
 8 available under this title shall be used to implement  
 9 any revision proposed by the local coordinating enti-  
 10 ty under paragraph (1)(B) until the Secretary ap-  
 11 proves the revision.

12 **SEC. 6. REQUIREMENTS FOR INCLUSION OF PRIVATE**  
 13 **PROPERTY.**

14 (a) NOTIFICATION AND CONSENT OF PROPERTY  
 15 OWNERS REQUIRED.—No privately owned property shall  
 16 be preserved, conserved, or promoted by the management  
 17 plan for the Heritage Area until the owner of that private  
 18 property has been notified in writing by the management  
 19 entity and has given written consent to the management  
 20 entity for such preservation, conservation, or promotion.

21 (b) LANDOWNER WITHDRAW.—Any owner of private  
 22 property included within the boundary of the Heritage  
 23 Area shall have that private property immediately removed  
 24 from the boundary by submitting a written request to the  
 25 management entity.



1 **SEC. 7. PRIVATE PROPERTY PROTECTION.**

2 (a) ACCESS TO PRIVATE PROPERTY.—Nothing in  
3 this Act shall be construed to—

4 (1) require any private property owner to allow  
5 public access (including Federal, State, or local gov-  
6 ernment access) to such private property; or

7 (2) modify any provision of Federal, State, or  
8 local law with regard to public access to or use of  
9 private property.

10 (b) LIABILITY.—Designation of the Heritage Area  
11 shall not be considered to create any liability, or to have  
12 any effect on any liability under any other law, of any pri-  
13 vate property owner with respect to any persons injured  
14 on that private property.

15 (c) PARTICIPATION OF PRIVATE PROPERTY OWNERS  
16 IN HERITAGE AREA.—Nothing in this Act shall be con-  
17 strued to require the owner of any private property located  
18 within the boundaries of the Heritage Area to participate  
19 in or be associated with the Heritage Area.

20 **SEC. 8. EFFECT OF ACT.**

21 Nothing in this Act or in establishment of the Herit-  
22 age Area—

23 (1) grants any Federal agency regulatory au-  
24 thority over any interest in the Heritage Area, un-  
25 less cooperatively agreed on by all involved parties;

1           (2) modifies, enlarges, or diminishes any au-  
2           thority of the Federal Government or a State or  
3           local government to regulate any use of land as pro-  
4           vided for by law (including regulations) in existence  
5           on the date of enactment of this Act;

6           (3) grants any power of zoning or land use to  
7           the local coordinating entity;

8           (4) imposes any environmental, occupational,  
9           safety, or other rule, standard, or permitting process  
10          that is different from those in effect on the date of  
11          enactment of this Act that would be applicable had  
12          the Heritage Area not been established;

13          (5)(A) imposes any change in Federal environ-  
14          mental quality standards; or

15          (B) authorizes designation of any portion of the  
16          Heritage Area that is subject to part C of title I of  
17          the Clean Air Act (42 U.S.C. 7470 et seq.) as class  
18          1 for the purposes of that part solely by reason of  
19          the establishment of the Heritage Area;

20          (6) authorizes any Federal or State agency to  
21          impose more restrictive water use designations, or  
22          water quality standards on uses of or discharges to,  
23          waters of the United States or waters of the State  
24          within or adjacent to the Heritage Area solely by  
25          reason of the establishment of the Heritage Area;

1           (7) abridges, restricts, or alters any applicable  
2       rule, standard, or review procedure for permitting of  
3       facilities within or adjacent to the Heritage Area; or  
4           (8) affects the continuing use and operation,  
5       where located on the date of enactment of this Act,  
6       of any public utility or common carrier.

7   **SEC. 9. REPORTS.**

8       For any year in which Federal funds have been made  
9       available under this Act, the local coordinating entity shall  
10      submit to the Secretary a report that describes—

11           (1) the accomplishments of the local coordi-  
12      nating entity; and

13           (2) the expenses and income of the local coordi-  
14      nating entity.

15   **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

16       (a) IN GENERAL.—There is authorized to be appro-  
17      priated to carry out this Act \$10,000,000, of which not  
18      more than \$1,000,000 shall be made available for any fis-  
19      cal year.

20       (b) COST-SHARING REQUIREMENT.—The Federal  
21      share of the total cost of any activity assisted under this  
22      Act shall be not more than 50 percent.

23   **SEC. 11. TERMINATION OF AUTHORITY.**

24       The authority of the Secretary to provide assistance  
25      to the local coordinating entity under this Act terminates

- 1 on the date that is 15 years after the date of enactment
- 2 of this Act.

